

Appl. No. 09/833,016
Filed with 37 CFR 1.604(a)(1) Request

REMARKS/ARGUMENTS

I.

Claims 34-50 are presently active in this application. Claims 1-33 have been canceled. Claims 34-50 are added by the present amendment.

The specification has been amended to incorporate therein the substance of original claims 2, 4, and 10. No new matter has been added.

II.

Applicant notes with appreciation the interview granted by Examiner Frejd and his supervisor Mr. Teska on August 14, 2003 in connection with the above identified application. Applicant's representatives William Peoples, Robert Groover, Charles Gholz, and James Boler attended the interview.

At the interview, the examiners were informed that the applicant is attempting to provoke an interference with application serial No. 09/635,116 assigned to Smith International. The examiners were further informed that Smith International had informed applicant's assignee that a number of claims had been allowed in one of its applications. Claims 34-50 of the present application are copies of claims which Smith International says have been allowed in its application.

The correspondence between claims 34-50 and the claims that Smith International provided to applicant's assignee is set forth in section III of the 37 CFR 1.604 request submitted concurrently herewith. A table showing support for the subject matter of claims 34-50 was provided to the examiners at the interview. However, in that table the claims were numbered 14-30 because that table related to the claims as numbered in one of applicant's continuation applications. That table has been modified in the 37 CFR 1.604 request filed concurrently herewith to even more clearly show that claims 34-50 are supported by

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applicant's specification as originally presented in his parent application serial No.

09/387,737 filed August 31, 1999.

At the interview, Mr. Groover demonstrated a plastic model drill bit illustrating the features of the present invention.

Applicant's representatives agreed to promptly present the 37 CFR 1.604 request and this amendment. The examiners agreed to carefully consider applicant's request.


Although applicant has copied claims from application serial No. 09/635,116 for the purposes of provoking an interference, applicant's representatives pointed out to the examiners that the present application has an effective filing date that is more than six months prior to the effective filing date of application serial No. 09/635,116. Therefore, applicant's representatives requested the examiners to allow the present application pursuant to the practice set forth in the MPEP § 2303 at page 2300-6.

III.

In view of the above remarks, applicant respectfully requests either allowance of the present application or that the present application and application serial No. 09/635,116 be forwarded to the board for the declaration of an interference.

Respectfully submitted,

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